

* Note that all responses to this action should be sent to Art Unit 1765 .

Specification

The specification should be updated via an amendment when related or corresponding cases are patented or abandoned.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

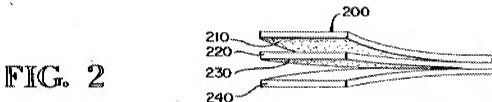
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 5, 6, 78, 26, 29, 30, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 4906315 or USP 4758296; or USP 6059914 see abstracts, figures and claims.

USP 4906315 relates to holography, decorative use of optical diffraction, printing, and hot-stamping foil. More particularly, the invention is directed to a method of manufacturing surface relief holograms and of creating a hot-stamping foil which may be used to apply holograms and other diffractive patterns to surfaces to provide decorative effects involving spectral colors and the illusion of texture, depth, and motion.

USP 4758296 discloses in FIG. 2 is a cross-sectional view of a typical holographic hot-stamping foil. A carrier 200 of thin polyester film with a release layer 210 is the substrate for a radiation-cured resin hologram 220. The hologram 220 is vacuum-coated with aluminum 230, and the aluminum 230 is coated with a hot-stamping adhesive 240. The holographic hot-stamping foil is used by pressing the foil against a receiving surface using a heated die so that the adhesive 240 adheres to the receiving surface and the resin hologram 220 is thereby more strongly adhered to the receiving surface

than to the carrier 200. A brittle material, such as Cellofilm C-200, is desirable in the manufacture of holographic hot-stamping foil because the transferred material.



The hot-stamping foil may be used to transfer holograms onto plastic, *metal*, and paper surfaces, and the like. A hot-stamping foil is made by laminating a surface relief hologram master to a polyester film carrier with clear radiation-curable resin and peeling the master away, leaving the cured resin adhered to the carrier. Subsequently, the relief surface of the resin is metalized to enhance its reflectivity, and a standard hot-foil adhesive is applied to the metalized surface. The hot-stamping foil thus formed may be used with standard hot-stamping equipment wherein a heated die presses the foil against a surface such as paper and the heat and pressure cause a pigment or a metal film to be transferred to the paper from the hot-stamping foil. In the case of holographic hot-stamping foil, the resin hologram itself is transferred to the paper or other surface from the hot-stamping foil.

Thus, the references discloses the same invention as that which is claimed by applicants except for stating the type of decoration used, i.e. "the decoration layer has mutually spaced areal interruptions at which the transparent protection layer adjoins the release layer."

However, both of the reference discloses that "While the system described in FIG. 1 is designed for production of hologram replicas in a continuous sheet, it is within the scope of the present invention to form the holograms individually. For example, a relief printing device may be constructed wherein radiation-curable resin is applied to a rigid transparent master, and paper is then placed in contact with the resin. Radiation cures the resin through the master; and when the master is lifted off, the cured resin stays attached to the paper."

It is important, of course, that the cured resin not adhere strongly to the master. Ultraviolet-curable resins release easily from untreated polyester film, from metals, and from silicone rubber. Standard surface treatments are known in the hot-stamping industry which control the adhesion between cured resin and various types of plastics."

USP 6059914 discloses a process for the production of a stamping foil comprising a carrier film and a decorative layer which is releasably arranged on the carrier film in a region-wise manner corresponding to a desired patterning for a substrate and which is adapted to be transferred onto a substrate, the process comprising contacting a recipient foil under action of at least one of heat and pressure applied directly to the recipient foil, with regions of the decorative layer in which no decorative layer is wanted on the carrier film of the stamping foil such that the decorative layer adheres to the recipient foil in said regions in which no decorative layer is wanted, wherein the decorative layer is present over a large area on the carrier film of the stamping foil, and the recipient foil comprises a carrier film and adhesive layer portion, said adhesive layer portion having substantially better adhesion with respect to the carrier film of the recipient foil and with respect to the decorative layer of the stamping foil, than adhesion of the decorative layer of the stamping foil to the carrier film of the stamping foil, and pulling off the recipient foil with region-wise entrainment of the decorative layer from the carrier film of the stamping foil such that the decorative layer remains on the carrier film of the stamping foil in regions corresponding to the desired patterning.

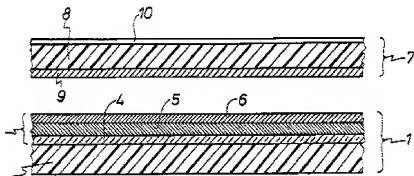


FIG. 1

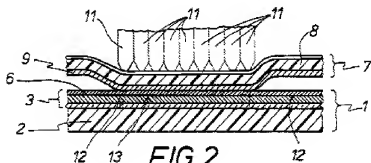


FIG. 2

It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ a decoration layer which is designed to allow the

adjoining of both the transparent layer to the release layer.

One would have been motivated to employ particular method for producing a stamping film for the attachment to motor vehicle license plates since 1) both of the references discloses that the film may be used on metal etc. and 2) license plates are commonly made of metal or metal alloys both usable in the above reference.

With regard to claim 30 wherein additives such as the UV absorber and the stabilizer additives are added thereto, it is prima facie obvious to select a known material for incorporation into a composition, based on its recognized suitability for its intended purpose. See Sinclair & Carroll Co. v. Interchemical Corp., 325 US 327, 65 USPQ 297 (1945). (Selection of solvent having boiling point and vapor pressure properties recognized as being ideal for printing inks into printing ink compositions found obvious on its face). See also In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960). (Selection of a known plastic to make a plastic container found obvious on its face). One would have been motivated to employ particular additives based on the suitability for its intended purpose.

In conclusion, view of the above, there appears to be no significant difference between the reference(s) and that which is claimed by applicant(s). Any differences not specifically mentioned appear to be conventional. Consequently, the claimed invention cannot be deemed as unobvious and accordingly is unpatentable.

Claim Objections

Claims **2-3, 9-12, 16-25, 27- 28, 31** are objected to because of the following informalities: Claims are dependent on rejected claims. Appropriate correction is required.

35 USC 112, Second Paragraph

Claims 13, 14, 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 3 the phrase "preferably, at least, such as, or the like...etc." renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 14 which recites the term "substantially" is unclear.

The term "substantially" is often used in conjunction with another term to describe a particular characteristic of the claimed invention. It is a broad term. *In re Nehrenberg*, 280 F.2d 161, 126 USPQ 383 (CCPA 1960). The court held that the limitation "to substantially increase the efficiency of the compound as a copper extractant" was definite in view of the general guidelines contained in the specification. *In re Mattison*, 509 F.2d 563, 184 USPQ 484 (CCPA 1975). The court held that the limitation "which produces substantially equal E and H plane illumination patterns" was definite because one of ordinary skill in the art would know what was meant by "substantially equal." *Andrew Corp. v. Gabriel Electronics*, 847 F.2d 819, 6 USPQ2d 2010 (Fed. Cir. 1988).

Information Disclosure Statement

Note that any future and/or present information disclosure statements must comply with 37 CFR § 1.98(b), which requires a list of the publications to include: the author (if any), title, relevant pages of the publication, date and place of publication to be submitted for consideration by the Office.

Improper Claim Dependency

Applicants' dependent claims should be rechecked for proper dependency if independent claims are cancelled.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terressa M. Boykin whose telephone number is 571 272-1069. The Examiner can normally be reached Monday- Friday 9:30-6:00 (work at home).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571 272-1078.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Terressa M. Boykin/

Primary Examiner, Art Unit 1765